

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 18, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - VAR-14313 - APPLICANT: DENNIS**

**IWASAKA OWNER: MAX JONES PROFESSIONAL PLAZA**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 4, 2006 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILWOMAN TARKANIAN.***

**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-14311) and the subsequent Rezoning application shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This application is a request for a Variance to allow a proposed 21,551 square-foot two story office building to be 53 feet from the east property line where residential adjacency standards require a setback of 105 feet on 0.85 acres at 1506 South Jones Boulevard.

**EXECUTIVE SUMMARY**

The site plan with this application indicates a two-story proposed 21,551 square foot office building. The applicant provides a 95 foot residential adjacency setback from the eastern property line where 126 feet is required. The residential properties to the east have a finished floor elevation which is seven feet lower than the proposed project. This is due finished grade of Jones Boulevard. In view of this hardship imposed by the site's physical characteristics, it is concluded that the applicant's hardship is not preferential in nature and approval is recommended.

**BACKGROUND INFORMATION**

***A) Related Actions***

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|----------|--|
| 07/19/06 | The City Council approved a Petition to Annex (ANX-12916) property generally located on the east side of Jones Boulevard, between Charleston Boulevard and Doe Avenue. |
| 09/07/06 | The Planning Commission recommended approval of companion item SDR-14311 concurrently with this application.   |
| 09/07/06 | The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #36/dr).   |

***B) Pre-Application Meeting***

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| 05/17/06 | A pre-application meeting was held and submittal requirements for a Site Development Review and Variance were discussed. |
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***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

## DETAILS OF APPLICATION REQUEST

### A) *Site Area*

Net Acres: 0.85

### B) *Existing Land Use*

Subject Property: Single Family Residence  
North: Offices  
South: Offices  
East: Single Family Residences  
West: Southern Nevada Desert Development Center

### C) *Planned Land Use*

Subject Property: SC (Service Commercial)  
North: SC (Service Commercial)  
South: SC (Service Commercial)  
East: DR (Desert Rural Density Residential)  
West: PF (Public Facilities)

### D) *Existing Zoning*

Subject Property: R-E (Residence Estates) [Resolution of Intent to P-R (Professional Offices)]  
North: C-1 (Limited Commercial)  
South: Clark County  
East: Clark County  
West: C-V (Civic)

### E) *General Plan Compliance*

The subject property is shown on the Southeast Sector Land Use Plan of the General Plan. The Plan designates the future land use for this property as SC (Service Commercial). The property is zoned P-R (Professional Offices), which is a zoning permitted in the Service Commercial land use designation. There are no specific General Plan policies directly related to this Site Development Plan Review request.

<i><b>SPECIAL DISTRICTS/ZONES</b></i>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		X
<b>Special Overlay District</b>		X
<b>Trails</b>		X
<b>Rural Preservation Overlay District</b>	X	
<b>Development Impact Notification Assessment</b>		X
<b>Project of Regional Significance</b>		X

**Rural Preservation Overlay District**

The subject property is within the 330' street buffer area. There are no specified development requirements associated with the subject property being part of the Rural Preservation Overlay District.

**ANALYSIS**

**A) Zoning Code Compliance**

**A1) Development Standards**

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

<b>Standards</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Width	60 Feet	133 Feet	Y
Min. Setbacks			
• Front	20 Feet	66 Feet	Y
• Side	5 Feet	10 Feet	Y
• Rear	15 Feet	53 Feet	Y
Max. Lot Coverage	50%	49%	Y
Max. Building Height	2 Stories / 35 Feet	2 Stories / 35 Feet	Y
Trash Enclosure	50 Feet from residentially zoned property	78 Feet from residentially zoned property	Y

The proposed development meets the Title 19.08 Development Standards.

**A2) Residential Adjacency Standards**

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. The building does not meet the 3:1 proximity slope. With a building height of 35 feet, the proposed office building must be a minimum of 105 feet from residentially zoned property. The building currently sits 53 feet from R-E zoned properties to the east.

- b) Building setback. The R-E zoned properties on the eastern boundary of the subject site have a rear yard setback of 35 feet. Therefore the proposed office building must be set back a minimum of 35 feet to the residentially zoned property. With a rear yard setback of 53 feet to the residential property line, the proposed office building meets this requirement.

***B) General Analysis and Discussion***

The site plan with this application indicates a two-story proposed 21,551 square foot office building. The total building elevation is 35 feet in the front of the property, but due to the severe natural slope from the front of the property to the rear of the property, the rear elevation of the building is 42 feet. The residential properties to the east have a finished floor elevation which is seven feet lower than the proposed project. This is due the finished grade of Jones Boulevard. The subject site must meet certain grade requirements in order to drain. According to the building height on the eastern elevation of the building, residential adjacency standards require a building setback of 105 feet. The applicant provides a 53 foot setback from the eastern property line.

**FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

Evidence of a unique or extraordinary circumstance has been presented, in that exceptional topographic conditions do exist on the subject site. In view of this hardship imposed by the site's physical characteristics, it is concluded that the applicant's hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT** 8

**NOTICES MAILED** 74 by City Clerk

**APPROVALS** 0

**PROTESTS** 1